

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MERIX PHARMACEUTICAL CORPORATION,	)
	)
	)
Plaintiff,	)
	)
v.	) No. 09 C 5871
	)
EMS ACQUISITION CORPORATION,	) Judge David H. Coar
	)
Defendant.	) Magistrate Judge Young B. Kim
	)

**NOTICE OF MOTION**

**TO: EMS ACQUISITION CORPORATION**

PLEASE TAKE NOTICE THAT on **Friday**, the **22<sup>nd</sup>** day of **October, 2010** at **11:00 A.M.**, we shall appear before the Honorable Magistrate Judge Young B. Kim of the United States District Court for the Northern District of Illinois, Eastern Division, Court Room **1944D** of the Dirksen Building, 219 South Dearborn, Chicago, Illinois, and present:

**PARTIES' JOINT MOTION FOR LEAVE TO OBTAIN  
TRANSCRIPT OF CONFIDENTIAL SETTLEMENT PLACED ON THE RECORD  
BY THE HONORABLE YOUNG B. KIM ON OCTOBER 15, 2010**

a copy of which was filed electronically herewith and thereby served upon you.

DATED: October 18, 2010

RESPECTFULLY SUBMITTED,

/s/ Richard Kirk Cannon

Law Offices of Cannon & Associates  
117 S. Cook St., #361  
Barrington, IL 60010-4311  
(847) 381-1600

*Attorneys for Plaintiff  
Merix Pharmaceutical Corporation*

CERTIFICATE OF SERVICE

I, Richard Kirk Cannon, caused to be served a copy of the foregoing:

NOTICE OF MOTION

by filing same with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the following counsel of record:

Lawrence C. Rubin  
Erin K. Lynch  
SHEFSKY & FROELICH LTD.  
111 E. Wacker Drive, Suite 2800  
Chicago, IL 60601

Ronald L. Williams  
Dean R. Batson  
FOX ROTHSCHILD LLP  
Eagleview Corporate Center  
747 Constitution Drive, Suite 100  
P.O. Box 673  
Exton, PA 19341

*Attorneys for EMS Acquisition Corporation*

/s/ Richard Kirk Cannon